

YAMADA
Application No. 10/761,377
July 7, 2005

REMARKS/ARGUMENTS

Reconsideration and allowance of this application are respectfully requested.

Currently, claims 1-25 are pending in this application.

Allowable Subject Matter:

Applicant notes with appreciation the indication that claims 3-5 and 7-9 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 3-5 and 7-9 have been maintained herein.

Rejection Under 35 U.S.C. §102:

Claims 1, 2 and 6 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Yamaki (U.S. Publication No. 2002-0161495). Applicant respectfully traverses this rejection.

For a reference to anticipate a claim, each element of the claims must be found, either expressly or under principles of inherency, in the reference. Each element of the claimed invention is not found in Yamaki. For example, Yamaki fails to disclose, or even suggest, “the second computer further includes a second diagnostic means for determining whether the first diagnostic means normally operates based on the first and the second diagnostic data,” as required by independent claim 1 and its dependents. Yamaki also fails to disclose or even suggest “the second computer further includes a second diagnostic means for determining whether the first diagnostic means normally operates based on a comparison between the calculated value and the pre-stored reference value stored in the receiving means,” as required by independent claim 6 and its dependents.

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In contrast to the above claimed features, a second computer of Yamaki does not determine whether the diagnostic means of a first computer normally operates. For example, as described in paragraph [0036], the central information control center 151 of Yamaki merely determines information regarding the vehicle maintenance condition based on vehicle information transmitted through phone 110.

The Office Action apparently alleges that paragraphs [0184]-[0185] of Yamaki discloses the above claimed features. (See the sentence bridging pages 2-3 of the Office Action). Applicant respectfully disagrees. Paragraphs [0184]-[0185] state the following:

“[0184] If the diagnosis determination result indicating the presence of the trouble is not contained and no particular abnormality is confirmed, the host computer jumps from step S202 to S206. If the diagnosis determination result indicating the presence of the trouble is contained, the host computer proceeds from step S202 to S203 and acquires various data, such as the operating status parameters, the control status parameters, and the diagnosis parameters, corresponding to the occurrence of the trouble. Then, the host computer proceeds to step S204 in which the acquired data are analyzed to estimate the trouble location in the system and/or parts. Subsequently, after deciding service procedures for repair and service in step S205, the host computer proceeds to step S206.

[0185] More specifically, when the diagnosis target is an actuator, the type and level of trouble are confirmed and the parts necessary for the repair and the service procedures are decided based on the control variables of the actuator, the input parameter to be changed with operation of the actuator, the predetermined threshold value for use in the trouble determination, the trouble code, and the operating status and the control status during the diagnosis or before and after the diagnosis. When the diagnosis target is a sensor, the type and level of the trouble are confirmed and parts necessary for the repair and the service procedures are decided on the basis of the sensor value inputted from the sensor, other related parameters, the predetermined threshold value for use in the trouble determination, the trouble code, and the operating status and the control status during the diagnosis or before and after the diagnosis.”

Paragraphs [0184]-[0185] disclose the central information control center 151 acquiring parameters to estimate the trouble in a system and/or parts such as an actuator or a sensor. However, paragraphs [0184]-[0185] do not disclose or suggest the central information control center 151 determining whether a diagnostic means normally operates based on first and second diagnostic data. That is, the central information control center 151 does not determine whether a diagnostic means normally operates.

Accordingly, Applicant respectfully submits that claims 1, 2 and 6 are not anticipated by Yamaki and respectfully requests that the rejection of these claims under 35 U.S.C. §102 be withdrawn.

New Claims:

New claims 10-25 have been added to provide additional protection for the invention. Of these claims, new claims 10 and 20 depend from base independent claims 1 and 6, respectively, and therefore are allowable for at least the reasons discussed above. These claims further require that the first computer and the second computer are provided in a vehicle. New claim 21 requires a similar limitation. New claims 17-18 require that the first and second computer are located locally with respect to one another. Claim 19 requires a similar feature. In contrast, computers disclosed by Yamaki are remote from each other. New independent claim 11 requires, *inter alia*, “the second apparatus includes a second diagnostic portion that determines whether the first diagnostic portion is normal based on the information transmitted from the transmitting portion of the first apparatus.” New independent claim 22 requires, *inter alia*, “determining, in the second computer, whether the diagnosing operation of the first computer is performed normally based on the received first and the second diagnostic data.” New independent claim 24

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requires, *inter alia*, "determining, in the second computer, whether the diagnosing operation of the first computer is performed normally based on a comparison between the calculated value and the pre-stored reference value received by the second computer."

Applicant submits that these new claims are allowable.

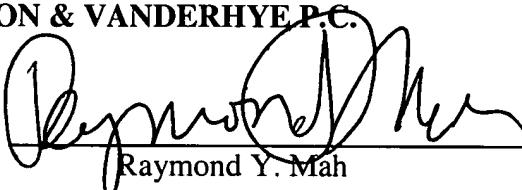
Conclusion:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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